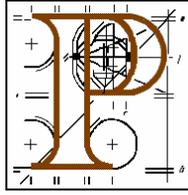


An Bord Pleanála



Inspector's Report

Development: Demolition of rear extension and construction of new rear extension at Chapel Street, Kilkee, County Clare.

Planning Application

Planning Authority: Clare County Council
Planning Authority Reg. Ref.: P11/705
Applicant: Damien Haugh
Type of Application: Permission
Planning Authority Decision: Permission

Planning Appeal

Appellant(s): Margaret Haugh and Others
Type of Appeal: 3rd Party
Observers: None
Date of Site Inspection: 24.8.2012

Inspector: Robert Ryan.

1.0 SITE LOCATION AND DESCRIPTION

The appeal site is located on the western side of Chapel Street c.70 metres south of the junction with O'Curry Street, which is the main street in the town. Kilkee is a small very attractively located seaside resort in West Clare. The site forms part of a Victorian terrace of single-storey residential properties with varying ridged roofing (slate) and rendered walling that leads down to the modern Catholic Church. At the end of the terrace there is a primary school whilst to the rear there is another modern two-storey terrace with access from O'Curry Street. Although the terrace is single-storey several of these properties have two-storey rear extensions including the appeal site.

The appeal site is stated to be 0.019 hectares and like the rest of the terrace has an unusual configuration with the rear garden area being angled to the south-west. The appeal building contains a barbers shop and is in a poor condition – to the rear there is a two-storey extension that extends just above the ridge line (see attached photographs). It is intended to demolish this extension – floor area 51.3 square metres.

The original proposal involved a replacement with another two-storey extension of 91 square metres with a low pitched roof, but by way of additional information the design was revised to part two-storey with two 1st floor bedroom units and part single-storey with a low pitched 'A' roof. The two-storey element would have a flat roof of similar height to the existing ridge of the house.

2.0 PLANNING AUTHORITY'S DECISION

The planning authority decided to grant permission subject to five conditions including:

1. Development to be in accordance with plans and particulars lodged with the planning authority on the 27/10/2011, as amended by further information lodged on the 23/03/2012.
4. Requires a Construction Management Plan to be submitted and agreed with the planning authority.
5. External finishes of extension to match those of the existing dwellinghouse.

3.0 DEVELOPMENT PLAN

In the West Clare Local Area Plan 2012-2018 the site is zoned Mixed Use in the Kilkee Settlement Plan.

It is not a protected structure, but is within an Architectural Conservation Area.

4.0 PLANNING AUTHORITY

The initial planning report states that the proposed extension would be 6.1 metres in height and is c.1 metre above the ridge height of the house, but is not considered to be very prominent from Chapel Street. It would be between 0.8 metres and 1.6 metres from the adjoining north-western boundary. The planning authority requested the following additional information viz.

1. As the planning authority have concerns regarding impact on adjoining properties in terms of overshadowing and overbearing and general loss of residential amenity due to its scale and proximity (0.8 meters to 1.6 metres) to north-western boundary revised proposals are requested in order to reduce impact together with shadow analysis diagrams.
2. Please submit proposals for the treatment of party boundaries to facilitate the development during the construction process.

A reply from Mr. Gerard Malone of Architectural Drafting and Design was lodged on the 23/3/2012. He states that revised drawings have a two-storey element in line with neighbours two-storey extension with no overlooking or overshadowing and therefore no need for a shadow analysis. This is in line with existing two-storey extension. A single-storey addition would not exceed 3.5 metres in height.

Existing party walls would be fully protected during construction stage.

The subsequent planning report dated 13/4/2012 states that the two storey element would be just slightly forward of the building line with adjoining property to the north. The revised proposal is considered acceptable in terms of visual and residential amenity. There would be no overlooking to the north and given the fact that proposed extension is broadly in line with that of the adjoining property, it would not result in significant overshadowing.

Retention and protection of existing boundaries is considered to be acceptable. He concludes by recommending permission noting that a development contribution is not required.

5.0 THIRD PARTY APPEAL

The appellant states that the proposed development will greatly reduce the amount of natural light entering the back of her house.

The proposed chimney in the extension would be below the level of the bedroom windows of both houses and as the prevailing wind is from the south-west carbon monoxide could be a serious problem.

She concludes by stating that the boundary wall on the northern side of the proposed extension is not being respected.

6.0 DEVELOPER

In reply Mr. Malone of Architectural Draughting and Design states that the two-storey proposal occupies the same footprint as existing extension so there will be no loss of natural light. The single-storey extension would have no impact.

The proposed chimney will have to comply with the Building Regulations and this will be done.

The proposed extension is shown inside his client's boundary line and therefore boundary is not an issue.

7.0 ASSESSMENT

The appeal site is located in a residential area involving demolition of an existing two-storey extension and its replacement by a single/two-storey extension. Therefore, it is considered that there is no objection in principle to the proposal.

The existing two-storey extension is in poor condition and has no architectural merit so its demolition is considered to be acceptable. I would also sustain the concern of the planning authority regarding scale and mass of the original proposal so I will confine my comments to the additional information lodged on the 23/3/2012.

This revised design involves a two-storey and single-storey development with two 1st floor windows to the rear elevation serving bedrooms 3 and 4. This flat roofed two-storey element is not identical to existing extension, but it does have a broadly similar footprint so that the impact on neighbouring property will remain largely unchanged. As the height of this structure will match existing ridge height the visual impact of this mid-terrace house as seen from Chapel Street will be minimal.

Accordingly, the major impact concerns the single-storey extension which is approximately 7 metres in length and 3.5 metres in height. It is set back from the northern boundary by between 0.7 metres and 1.4 metres. The northern boundary consists of concrete block walling c.1.3 – 1.5 metres in height. The single-storey extension will have an 'A' roof with rooflights. The remaining garden would be approximately 12 metres in length. The side walling of the extension would be 2.5 metres at most.

The appellant's property has two large gable windows at ground and 1st floor levels. The 1st floor window will not be affected by the extension and I would consider that ground floor window will be only marginally affected. The extension would not in my view seriously injure the amenities of this property by way of loss of daylight or overshadowing. Overlooking is not an issue.

The proposed chimney is quite low (c.3.5 metres), but this is a minor aspect that can be resolved by way of condition regarding design.

The existing boundary walls will not be affected by the extension. The county development plan generally requires 2 metre boundary walling in rear garden and in this case there is a side kitchen window. In order to retain privacy and amenity a condition requiring boundary treatment to be agreed would be appropriate.

8.0 CONCLUSION AND RECOMMENDATION

The proposed development is located within the centre of Kilkee in a primarily residential location that already has many two-storey extensions in evidence. The proposal as revised by additional information submission is considered acceptable and would not have a detrimental impact on nearby property. Accordingly, I would sustain the view of the planning authority and recommend that permission be granted.

REASONS AND CONSIDERATIONS

Having regard to the zoning of the site in the Local Area Plan for Kilkee, to the nature and scale of the development and the existing pattern of development in the vicinity, it is considered that, subject to compliance with conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars received by the planning authority on the 23rd day of March, 2012, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The external finishes of the proposed extension including roof slates shall be the same as those of the existing dwelling.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

4. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of public safety and residential amenity.

5. Before development commences details of boundary treatment shall be submitted and agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

6. Before development commences details of the design, height and finish of the proposed chimney stack shall be submitted and agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

**Robert Ryan,
Senior Planning Inspector.**

29th August, 2012.

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